

Court of Appeals, State of Michigan

ORDER

Henry Black v DaimlerChrysler Services North America LLC

Docket No. 268350

LC No. 2004-058461-CL

Kathleen Jansen
Presiding Judge

Jessica R. Cooper

Pat M. Donofrio
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to file a late answer is GRANTED.

The motion to file a reply is GRANTED.

Because the trial court has yet to conduct a searching inquiry to determine the admissibility of the testimony of plaintiffs' proposed statistical expert, denial of the motion to strike said expert testimony is premature. MRE 702. *Gilbert v DaimlerChrysler Corp*, 470 Mich 749, 779; 685 NW2d 391 (2004); *Clerc v Chippewa Cnty War Memorial Hosp*, 267 Mich App 597; 705 NW2d 703 (2005). We accordingly deny the application for leave to appeal for failure to persuade the Court of the need for immediate appellate review. The application for leave to appeal is otherwise DENIED.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 18 2006
Date

Sandra Schultz Mengel
Chief Clerk